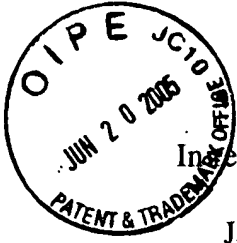


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2611/3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor application of:

James M. Barton, et al.

Serial No.: 09/422,121

Filed on: October 20, 1999

) Confirmation No.: 5130
)
) Examiner: BROWN,
) RUEBEN M.
)
) Group Art Unit No.: 2611

For: DATA STORAGE MANAGEMENT AND SCHEDULING SYSTEM

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form, if needed. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

_____ 37 C.F.R. §1.97(b).

_____ 37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

_____ A statement pursuant to 37 C.F.R. §1.97(e)

_____ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first

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cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

_____ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

 X 37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

 X A statement pursuant to 37 C.F.R. §1.97(e)

_____ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

 X 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

 X A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

_____ 37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

X

The Examiner is hereby notified that the present application is related to the following related application(s):

DISCLOSURE OF RELATED APPLICATIONS

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.
10/923,445	8/20/2004	60097-0289

The related application(s) may contain subject matter that is related to the subject matter of the present application. The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

 X

The Examiner is hereby notified that for the following related application(s) an Office Action has been received as indicated below:

DISCLOSURE OF OFFICE ACTIONS

U.S. Application/ Pat. No.	File Date	Office Action Mailing Date	Atty. Docket. No.
10/339,700	01/08/2003	02/07/2005	60097-0234


The related application(s) may contain one or more claims that may be substantially similar to one or more claims in the present application, and those claims may have been rejected in the related application(s). Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: June 17, 2005

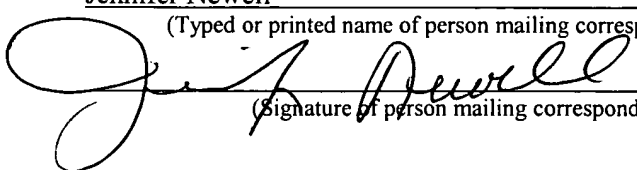

Kirk D. Wong
Reg. No. 43,284

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Telephone: (408) 414-1080
Facsimile: (408) 414-1076

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June 17, 2005
(Date of Deposit)

Jennifer Newell

(Typed or printed name of person mailing correspondence)


(Signature of person mailing correspondence)

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION
(PTO-1449)**



ATTY. DOCKET NO.
60097-0039

SERIAL NO.
09/422,121

APPLICANT:
James M. Barton et al.

FILING DATE:
October 20, 1999

GROUP:
2611

U.S. PATENT DOCUMENTS

Exam. Initial*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (If known)			
		4,600,989		Schwartz	07-15-1986	
		5,063,547		Custers et al.	11-05-1991	
		5,502,504		Marshall et al.	03-26-1996	
		5,701,383		Russo et al.	12-23-1997	
		5,710,601		Marshall et al.	01-20-1998	
		5,745,710		Clanton, III et al.	04-28-1998	
		5,805,763		Lawler et al.	09-08-1998	
		5,850,218		LaJoie et al.	12-15-1998	
		5,878,186		Bennett et al.	03-02-1999	
		2001/0053274	A1	Roelofs et al.	12-20-2001	
		6,209,132	B1	Harrison et al.	03-27-2001	
		6,288,716	B1	Humpleman et al.	09-11-2001	
		6,374,406	B2	Hirata	04-16-2002	
		6,412,112	B1	Barrett et al.	06-25-2002	
		2002/0083153	A1	Sweatt, III et al.	06-27-2002	

FOREIGN PATENT DOCUMENTS

Exam. Initial*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³ Code ⁵	Number ⁴	Kind (If known)				
		EP	0 889 649	A2	Sony Corporation	01-07-1999		
		EP	0 889 649	A3	Sony Corporation	08-11-1999		
		EP	0 898 279	A2	Sony Corporation	02-24-1999		
		WO	96/38008	A1	Thomson Consumer Electronics, Inc.	11-28-1996		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). ⁴For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

INFORMATION DISCLOSURE CITATION IN AN APPLICATION (PTO-1449)				ATTY. DOCKET NO. 60097-0039		SERIAL NO. 09/422,121	
				APPLICANT: James M. Barton et al.			
				FILING DATE: October 20, 1999		GROUP: 2611	

U.S. PATENT DOCUMENTS						
Exam. Initial*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (If known)			
		6,425,128	B1	Krapf et al.	07-23-2002	
		6,481,011	B1	Lemmons et al.	11-12-2002	
		6,654,546	B1	Levin et al.	11-25-2003	
		6,658,663	B1	Bruynsteen	12-02-2003	
		6,675,388	B1	Beckmann et al.	01-06-2004	
		6,725,281	B1	Zintel et al.	04-20-2004	

FOREIGN PATENT DOCUMENTS								
Exam. Initial*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (If known)				
		WO	98/12872	A1	Starsight Telecast, Incorporated	03-26-1998		
		EP	0 435 370	B1	Skinner, Kenneth Romayn	03-23-1994		
		EP	0 691 651	B1	Sony Corporation	02-03-1999		
		EP	0 764 951	B1	Sony Corporation	09-18-2002		

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SERIAL NO.
09/422.121

FILING DATE:
October 20, 1999

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2611

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Page 3 of 4

Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary)		Attorney Docket No.: 60097-0039	Application Number: 09/422,121
		First Named Inventor: James M. Barton	
		Filing Date: October 20, 1999	
OTHER ART – NO PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation ²
		Microsoft Press Computer Dictionary, 1997, Microsoft Press, Third Edition, page 355.	
		Office Action from PCT Patent Application No. PCT/US04/00561, dated December 8, 2004, (11 pgs)	
		Current Claims in PCT Patent Application No. PCT/US04/00561 (6 pgs)	
		McFedries, Paul, "The Complete Idiot's Guide to Windows 95," 1997, Que Corporation, 2nd Edition, Pages 36-39.	

Examiner Signature		Date Considered	
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